

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FARMERS NEW WORLD LIFE INC.
CO.,

Plaintiff,

vs.

HEIDI ALLEN and BRAD ALLEN,
Defendants.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
ENFORCE SETTLEMENT
AGREEMENT

Case No. 2:09-CV-6 TS

Brad Allen and Heidi Allen assert competing claims to the life insurance benefits paid into the Court registry in this interpleader case. Brad Allen moves to enforce an alleged settlement agreement. Heidi Allen, in a late-filed Objection, argues that the parties did not have a meeting of the minds on one essential term of the proposed settlement—whether there was a cap on the amount of attorney fees to be paid as part of the proposed settlement.

Having reviewed the materials submitted by Brad Allen, the Court finds that they do not show a meeting of the minds that there would be no limit on the amount of the attorneys fees that would be paid from the proceeds of the insurance policy at the time of

the attempted settlement. The Court makes no finding on the reasonableness of the attorney fees at issue, only that there is no showing of a meeting of the minds on the matter. Therefore, the Court will deny the Motion to Enforce Settlement.

Upon review of this case, it appears to the Court that the issue for trial is a single legal issue that could be resolved on what appears to be undisputed facts. However, neither party has filed any dispositive motion and the October 1, 2009 dispositive motion deadline passed several months before the parties notified the Court, on February 17, 2010, of their purported settlement. It is therefore


ORDERED that Brad Allen's Motion to Enforce Settlement (Docket No. 22) is DENIED. It is further

ORDERED that if the parties wish to submit this matter on stipulated facts, they may do so by filing a joint statement of stipulated facts and issue of law no later than August 20, 2010. If there is no such stipulation filed by said date, this case will proceed to the scheduled final pretrial conference and bench trial. It is further

ORDERED that if this case proceeds to trial, the parties are reminded to review the deadlines for filing required pretrial matters found in the Court's Trial Order filed and served on the parties on June 2, 2010.

DATED July 20, 2010.

BY THE COURT:



TED STEWART
United States District Judge